



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application from the landlords for an order of possession, a monetary order for unpaid rent, and recovery of the filing fee for this application. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlords are entitled to an order of possession
- Whether the landlords are entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on May 26, 2009. Rent in the amount of \$850.00 is payable on the first day of the month. The parties were unable to confirm whether or not a security deposit had been collected.

Arising from unpaid rent for the month of July 2009, the landlords issued a 10 day notice to end tenancy for unpaid rent dated July 6, 2009. The notice was served by posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants paid no rent for the months of July or August 2009.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated July 6, 2009.

The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlords are entitled to an order of possession.

As for the monetary order, I find that the landlords have established a claim of \$1,750.00. This is comprised of \$850.00 in unpaid rent for July 2009, \$850.00 in unpaid rent for August 2009, and recovery of the \$50.00 filing fee. Accordingly, I grant the landlords a monetary order under section 67 of the Act for \$1,750.00.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlords effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlords in the amount of **\$1,750.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 24, 2009

Dispute Resolution Officer